Remarks

Summary of the Office Action

Claims 34-66 were pending in this application.

Claims 34, 36-43, 45-55, and 57-66 were rejected under the judicially created doctrine of obviousness-type double patenting as being obvious from claims 41-65 of copending Application No. 10/248,699 ("the '699 application") in view of Ohno et al U.S. Patent Application Publication No. 2001/0028782 ("Ohno").

Claims 34-66 were rejected under 35 U.S.C. § 103(a) as being obvious from Ohno in view of Ismail et al. U.S. Patent Application Publication No. 2003/0118323 ("Ismail").

Summary of Applicants' Reply

Applicants have amended independent claims 34, 43, and 55 and added new claims 67-69 to more particularly define the claimed invention. The new claims do not add any new matter and are fully supported by applicants' originally-filed specification. (*See*, e.g., paragraphs 58 and 114 of applicants' specification.) The Examiner's rejections are respectfully traversed.

Applicants' Response to the Double Patenting Rejections

The Examiner rejected claims 34, 36-43, 45-55, and 57-66 under the judicially created doctrine of obviousness-type double patenting as being obvious from claims 41-65 of the '699 application in view of Ohno.

Applicants have amended claims 34, 43, and 55 to recite that "there is a tuner conflict based on the maintained list of shows when at least two of the shows are scheduled for storage on the storage device using the at least one tuner at the same time" and that solutions to the tuner conflict are generated "without further action by a user." Applicants submit that claims 34, 43, and 55, as amended, are patentably distinct from claims 41, 49, and 60 of copending Application No. 10/248,699. Also, as discussed below, Ohno does not show or suggest these features. Accordingly, applicants respectfully request that the provisional double patenting rejection be withdrawn.

Applicants' Response to the § 103 Rejections

The Examiner rejected applicants' claims 34-66 as being obvious from Ohno in view of Ismail. The Examiner's rejections are respectfully traversed.

Applicants' amended independent claims 34, 43, and 55 are directed towards, *inter alia*, a video recorder, a method, and computer readable storage media for scheduling the storage of shows on a storage device using at least one tuner. A determination is made as to whether there is a tuner conflict based on a maintained list of shows when at least two of the shows are scheduled for storage on the storage device using the at least one tuner at the same time. A plurality of solutions to the tuner conflict are generated without further action by a user, where each solution corresponds to a storage schedule that includes a subset of the shows in the maintained list.

Ohno relates to a digital TV broadcast receiving apparatus (a "self tuner") that is connected to other digital TV broadcast receiving apparatus through external interfaces and a connection bus (Ohno, ¶ 45). When the user of a self-tuner wants to record a broadcast that is not available to the self-tuner, the self-tuner sends a request to the other tuners for their Network Information Table ("NIT"). The NIT contains information about the broadcasts available to a particular tuner (Ohno, ¶ 34). The self-tuner analyzes the received NITs to determine whether it can shift the broadcast of the desired program from one of the other tuners to the self-tuner (Ohno, ¶¶ 76 and 77). The self-tuner can use its recording control unit to record the shifted broadcast (Ohno, ¶ 79).

Ismail relates to a system that records programs according to user selections and ratings received from a preference agent. Programs having the highest rating are given highest preference for recordation and programs having the lowest rating are given lowest preference for recordation. Highest priority is given to programs specifically requested by the user. Next highest priority is given to programs matching particular category-value pairs specified by the user (Ismail, ¶¶ 54 and 55).

The Examiner contends that Ohno shows "generating a plurality of solutions" to a tuner conflict in its portions that describe that when the user wants to change the channel to a broadcast that is not available because the self-tuner is busy, the system searches for another tuner that can provide the broadcast.

Applicants respectfully disagree with the Examiner's assertion that each of these searches corresponds to a different solution to a tuner conflict. Instead, Ohno's search for an available tuner merely finds any tuner that can be used to access a requested broadcast. In particular, Ohno does not show or suggest searching to find multiple other available tuners from which one is selected to fulfill the user's channel change request. Moreover, searching for an available tuner each time a new channel change request is made does not generate multiple solutions to the same tuner conflict because each channel change request corresponds to a different alleged conflict. Thus, Ohno does not show or suggest generating a plurality of solutions to a tuner conflict, as required by applicants' claims. Furthermore, the alleged tuner conflict in Ohno occurs when the user wants to view a particular program on an unavailable self tuner and is not determined when two programs are scheduled for storage in the device using the tuner at the same time as requested by applicants' claims.

Ismail does not make up for Ohno's deficiencies in this regard. The Examiner contends that in Ismail the set of user specified programs and the set of programs rated by the preference agent is the same as applicants' claimed multiple solutions to a tuner conflict. Applicants respectfully disagree. In Ismail, the user specified programs and the programs rated by the preference agent are not multiple unique solutions to a conflict. Instead, they are parts of the same single solution in which the programs specified by the user are recorded first and the programs rated by the preference agent are recorded second. This is clearly different from

applicants' claims, which require the generation of multiple solutions to a tuner conflict. Further, Ismail discusses that the user can change the order in which programs are recorded. Again, this functionality only provides one solution to a conflict and is not a solution generated without further action by a user as required by applicants' claims.

Accordingly, whether taken alone or in combination, Ohno and Ismail do not show or suggest generating a plurality of solutions to a tuner conflict, where each solution corresponds to a storage schedule that includes a subset of the shows in a list. For at least this reason, claims 34, 43, and 55 and claims 35-42, 44-54, and 56-69, which depend directly or indirectly from independent claims 34, 43, and 55, are not obvious from Ohno in view of Ismail. This rejection should therefore be withdrawn.

New Claims 67-69

Applicants' new claims 67-69 include, *inter alia*, a video recorder, method, and computer readable storage media that initiates the storage of shows using at least one other available tuner in the network of tuners.

Whether taken alone or in combination, neither Ohno nor Ismail shows or suggests initiating the storage of shows using another available tuner in a network of tuners. Instead, Ohno requires that a shifted broadcast be recorded using the self-tuner rather than using an available tuner on the network (Ohno, ¶¶ 76 and 77). Ismail does not make up for Ohno's deficiencies in this regard. Thus, Ohno and Ismail do not show or suggest the features of applicants' claims 67-69.

Conclusion

In view of the foregoing, claims 34-69 are allowable. This application is therefore in condition for allowance. Reconsideration and prompt allowance of this application are accordingly respectfully requested.

Respectfully submitted,

/Matthew S. Bertenthal/

Matthew S. Bertenthal
Reg. No. 61,129
Agent for Applicants
Customer No. 75563